

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fourth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.12705 of 2018

IN CRL A.580/2018

MANOHARAN

[PETITIONER]

Vs

STATE BY,
THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI AND DISTRICT.
CR.NO.703 OF 2013.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.580/2018 on the file of the High Court, the High Court will be pleased to suspend the imposed on the petitioner herein by the learned Additional District and Sessions Judge, Tiruvannamalai, Tiruvannamalai District made in S.C.No.109 of 2014 by Judgment dated 28.08.2018 and enlarge him on bail pending disposal of the above Appeal.[CRL.MP.NO.12705/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.580/2018 on the file of the High Court and upon hearing the arguments of M/S.L.MAHENDRAN Advocate for the petitioner and of MR.S.THANKIRA Government Advocate[crl.side] on behalf of the Respondent the court made the following order:-

The petitioner was convicted for the offence under Section 299 of IPC and sentenced him to undergo simple imprisonment for the period of 2 years and a fine of Rs.5000/-, in default to undergo 6 weeks rigorous imprisonment for the offence under Section 304(2) of I.P.C and the sentence undergone by him for the period from 19.11.2013 to 10.12.2013 shall be set off from the total period of sentence of imprisonment under Section 428 Cr.P.C, by the learned Additional District and Sessions Judge, Tiruvannamalai, under judgment dated 28.08.2018 in S.C.No.109 of 2014. Hence, the petitioner seeks for suspension of sentence.

2. Learned counsel submits that there are several infirmities and inconsistencies found in the prosecution case and there are contradictions in the material particulars between the evidence of

the prosecution witnesses.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

4. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the revision, as contended by learned counsel for petitioner and further the revision is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tiruvannamalai, and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending revision.

-sd/-

24/09/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE, सत्यमेव जयते
NO.I, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TIRUVANNAMALAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI AND DISTRICT.

+1 C.C. to M/S.L.MAHENDRAN Advocate on payment of necessary charges SR.NO. 18045

Order

in
CRL MP.12705/2018

in
CRL A.580/2018

Date :24/09/2018

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RD 01/10/2018



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